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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, submitted in accordance with Human Rights Council resolution 31/19.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Summary

The Special Rapporteur submits the present report, his sixth to the General Assembly, pursuant to Human Rights Council resolution 31/19. In his report the Special Rapporteur primarily presents information gathered from government sources and relayed by alleged victims of rights violations as well as civil society actors located inside and outside the country.

I. Introduction

1. Since 2011 the Special Rapporteur has observed several developments that could lead to positive changes in the human rights situation in the Islamic Republic of Iran. These include the publication of a draft charter of citizens' rights; the emergence of a limited public dialogue on a handful of human rights issues, including the use of the death penalty for non-violent drug crimes; the implementation of the Joint Comprehensive Plan of Action; and legislative steps taken by the parliament to improve the protection of certain rights.

2. Most of these developments have not, however, yielded tangible or sufficient improvements in the country's human rights situation, for reasons that will be further discussed below. Specifically, there is a notable gap between the law and State-sanctioned practices that violate fundamental rights. While recent legislative efforts to strengthen protections for the rights of the accused are noteworthy, they offer little relief in the absence of proper implementation and enforcement by the executive and judicial branches of Government.

3. Information gathered from government sources and civil society actors continues to highlight the arbitrary detention and prosecution of individuals for their legitimate exercise of myriad rights, as well as the use of torture and other forms of cruel, inhuman or degrading treatment, following the enactment of these legal improvements. Human rights defenders continue to face intimidation, censure and retribution for their contact with the United Nations human rights mechanisms and international human rights organizations, and those alleged to have abused their authority continue to enjoy impunity. Other legislation, including the country's anti-narcotics laws, which have not yet been amended, continue to violate the right to life.

4. The Special Rapporteur wishes to highlight the Government's continued engagement with the special procedure mandate holders of the Human Rights Council, including through dialogue with his mandate and by way of recent invitations to the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral and coercive measures on the enjoyment of human rights to visit the country.[1] In its response to the present report, the Government asserts that it "has so far paved the way for the visits of seven thematic rapporteurs and working groups".[2] However, the authorities remain reticent with regard to repeated requests for country visits made by eight thematic mandate holders and the country-specific mandate holder since 2005, date of the last visit to the country by a special rapporteur.[3]

5. A total of 23 communications concerning pressing developments or emerging issues detailed in the present report and/or appealing for remedy were transmitted by the Special Rapporteur to the Government from January to mid-August 2016. Of these, 22 were urgent actions and 1 was an allegation letter joined by several

[1] See http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

[2] Seven representatives of the special procedures visited the Islamic Republic Iran between 1995 and 2005, after which no visits were facilitated by the Government.

[3] See www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx.

thematic mandate holders. The Government responded to 7, reducing its rate of reply from 38 per cent in 2015 to 30 per cent during the reporting period. The Government also continues to respond, at length, to the Special Rapporteur's reports, including the current one.

6. The present report contains primarily information gathered from government sources and relayed by alleged victims of rights violations, as well as civil society actors located inside and outside the country. This includes information gathered from government responses to communications transmitted jointly by special procedure mandate holders during the first seven months of 2016; information gathered from various websites maintained by branches and agencies of the Government; information published or submitted by non-governmental organizations located inside the Islamic Republic of Iran; laws and draft legislation; details presented in national stakeholder reports submitted by officials for the universal periodic review exercise in 2014; and information gleaned from statements published either by national media sources or by individual government officials.

7. The Special Rapporteur also relays information gathered from 43 interviews conducted during fact-finding visits to Stockholm, Berlin and Munich, Germany, and Turin, Italy, in May 2016. Information from additional interviews was collected via telephone, Skype and other messenger services during the reporting period from individuals located inside and outside the country.

II. Civil and political rights

8. On 26 November 2013, President Hassan Rouhani, highlighting his campaign promise to improve the protection of human rights, released a draft charter of citizens' rights that addresses a range of civil and political rights guaranteed by Iranian law. Since its publication, however, no significant steps have been taken to either finalize or implement the charter's provisions. The Government notes that it expects the charter to be finalized by "the end of the current year". While applauding the effort, the Special Rapporteur notes that many of the charter's provisions fail to sufficiently protect fundamental rights, including the rights to freedom of expression, association and assembly.

9. The Government accepted 189 of the 291 recommendations that were the outcome of its universal periodic review in 2014, asserting that the majority of the recommendations had already been implemented, including the recommendation to strengthen its domestic legal framework and implement its international human rights obligations. Despite these commitments and the country's legal obligations, the state of protections for the majority of rights guaranteed by the five human rights instruments to which the Islamic Republic of Iran is a party remains largely unchanged.

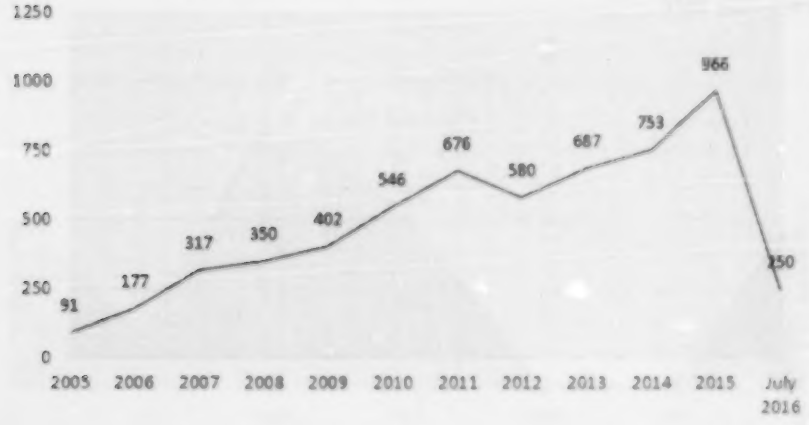
A. Right to life

10. The Government received 41 recommendations related to its use of capital punishment during the second cycle of its universal period review in 2014. They include recommendations to abolish the death penalty for juvenile offenders; to

establish a moratorium for crimes not considered "most serious" by international standards; and to ban stoning and public executions. In April 2016, the United Nations High Commissioner for Human Rights called on the authorities to halt executions of juvenile and drug offenders and to institute a moratorium on the use of the death penalty altogether.[4]

11. Human rights organizations estimate that despite these appeals, between 966 and 1,054 executions took place in 2015, the highest number in over 20 years.[5] Between 241[6] and 253[7] executions were reportedly carried out from January to the end of the third week of July 2016. This number is significantly lower than the number of executions carried out during the same period in 2015. In the light of the repeated concerns expressed by the Special Rapporteur and other human rights bodies and organizations, any decrease in the number of executions is a positive development. However, reports received by the Special Rapporteur suggest that the number of executions in the Islamic Republic of Iran increased again in July 2016, when human rights organizations documented at least 40 executions carried out during the first three weeks of that month (see figures I-III).[8] As in previous years, the majority of the executions in 2015 and 2016 were for drug-related offences.

Figure I
Executions in the Islamic Republic of Iran, 2005 to July 2016



[4] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19816&LangID=E.

[5] See www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html; www.iranrights.org/; http://iranhr.net/en/; and www.amnesty.org/en/countries/middle-east-and-north-africa/iran/.

[6] Information received by the Office of the Special Rapporteur from the Abdorrahman Boroumand Foundation (www.iranrights.org).

[7] Information received by the Office of the Special Rapporteur from Iran Human Rights (http://iranhr.net).

[8] See http://iranhr.net/en/articles/2585/. According to the Abdorrahman Boroumand Foundation, there were a total of 62 executions in July 2016.

Figure II
Executions in the Islamic Republic of Iran, by month, 2015

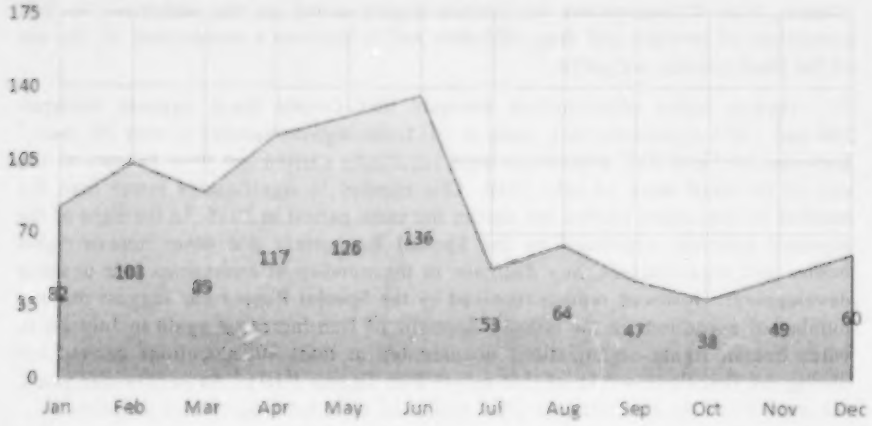
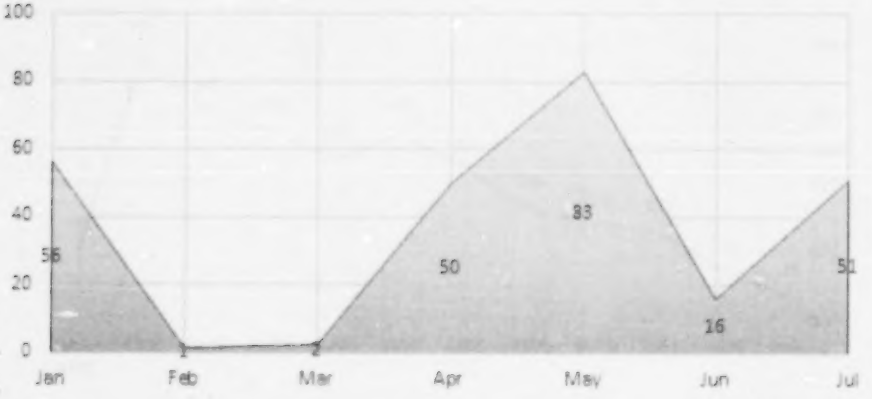


Figure III
Number of executions in the Islamic Republic of Iran, by month, January-July 2016



12. In its response to the present report, the Government again maintains that drug trafficking is a serious offence that requires the use of the death penalty under certain circumstances (which it claims has a "[highly] deterrent effect") and rejects the adoption of a moratorium on the death penalty. The Government also confirms that there was a "more than 50 per cent decrease in implementation of capital punishment during the first six months of 2016" and maintains that "no information has been received, from any international authorities, regarding non-observance of legal standards" with respect to individuals sentenced to death for drug-related crimes. The Special Rapporteur joins the Secretary-General, the Human Rights Committee and other special procedure mandate holders in their ongoing calls for the Government to reconsider its use of capital punishment.

13. Since 2015, at least two women convicted of the crime of adultery have been sentenced to stoning.[9] In its response to the Special Rapporteur's report to the Human Rights Council (A/HRC/31/69), the Government notes that that criminalization of adultery is consistent with its interpretation of Islamic law and that stoning is an effective deterrent. On 7 July 2016, the Government also asserted that the judiciary had converted these sentences to other punishments and that no stoning sentences had been carried out in the country in recent years.[10]

14. Amendments to the Criminal Procedure Code of the Islamic Republic of Iran that became effective in June 2015 now require that all death sentences be reviewed by the Supreme Court (ibid., para. 25). These changes annul article 32 of the Anti-Narcotics Law, which authorized the country's Prosecutor General to fast-track and confirm death sentences for drug-related offences adjudicated by revolutionary courts. On 7 December 2015, the Supreme Court issued a ruling requiring all revolutionary courts to refer drug-related death sentences to it for review.[11]

15. However, the Special Rapporteur continues to receive information indicating that violations of due process rights, including the right to appeal death sentences, remain problematic in drug-related cases.[12] In April 2016, for example, prison authorities in the northern city of Rasht executed Rashid Kouhi, who was convicted of a non-violent drug-trafficking offence in the absence of review by the Supreme Court, as required by law.[13] Human rights groups reported that Mr. Kouhi did not receive adequate legal assistance in requesting an appeal to the Supreme Court and that his requests for clemency were rejected. Mr. Kouhi was also reportedly deprived of access to a lawyer during his interrogation and met with a pro bono State-appointed lawyer for the first time during his trial.[14]

16. In December 2015, 70 members of parliament presented a bill that, if approved by the legislature and the Guardian Council, would reduce the punishment for non-violent drug-related crimes from death to life imprisonment. On 11 January 2016, the bill was introduced on the main floor of the parliament for review.[15] It is not known whether the apparent drop in the number of executions during the first six months of 2016 is directly related to the Government's increasing sensitivity to drug-related executions or the result of newly implemented and pending legislation.

[9] See www.darsiahkal.ir/64601/64601 (in Persian).

[10] Reply of the Government of the Islamic Republic of Iran to a communication dated 20 January 2016.

[11] See www.rrk.ir/Laws/ShowLaw.aspx?Code=8008 (in Persian).

[12] See www.iranrights.org/newsletter/issue/74.

[13] See https://hra-news.org/fa/execution/a-4759 (in Persian).

[14] See www.amnesty.org/en/latest/news/2016/04/iranian-man-facing-imminent-execution-tomorrow-denied-the-right-to-appeal/.

[15] See www.farsnews.com/13941021000764 (in Persian).

B. Executions of juveniles

17. The Special Rapporteur notes with great concern that under articles 146 and 147 of the Islamic Penal Code, the Islamic Republic of Iran retains the death penalty for boys of at least 15 lunar years of age and girls of at least 9 lunar years.

18. On 12 January 2016, the Committee on the Rights of the Child concluded its review of the implementation by the Islamic Republic of Iran of the Convention on the Rights of the Child. In its concluding observations (CRC/C/IRN/CO/3-4), the Committee expressed great concern about the ongoing execution of juveniles and called on the Government to withdraw reservations that sanction judicial disregard of provisions of the Convention. They also called on the Government to define juveniles as anyone under the age of 18, in line with Convention standards, and to raise the age of criminal responsibility for girls so that there is no discrimination between boys and girls. In its response, the Government continues to defend its use of a general reservation to the Convention based on its "religious teachings and culture".

19. Amendments to the Islamic Penal Code in 2013 repealed capital punishment for juveniles found guilty of committing drug-related offences and now require a judge to determine whether these defendants understood the consequences of their actions at the time they committed non-drug-related capital offences. In January 2015, the Supreme Court issued a ruling requiring all courts to apply the new amendment retroactively for cases adjudicated prior to 2013 if a juvenile defendant petitions for an appeal.[16]

20. The Special Rapporteur notes with great concern that, notwithstanding these reforms, the number of executions of juvenile offenders has actually increased during the past few years. He also continues to receive reports maintaining that some juvenile offenders have been denied the right to appellate review, that the Supreme Court has rejected several petitions for retrial and that it confirmed the death sentences of at least six juvenile offenders.[17] The Special Rapporteur has also received reports suggesting that the criteria used by courts to assess mental capacity vary widely and are inconsistently applied throughout the country.[18] The Government rejects this allegation, and in its response asserts that amendments to the Islamic Penal Code have resulted in a reduction in the number of juvenile executions this year.

21. At least one confirmed execution of a juvenile had reportedly been carried out as of the date of drafting of the present report and four juvenile executions took place in 2015.[19] At least 73 juvenile offenders were reportedly executed between 2005 and 2015 and some 160 others were reportedly awaiting execution as of January 2016.[20] In its response, the Government notes that in all cases of retributive justice for juvenile offenders, its fundamental policy is to encourage reconciliation between the perpetrators' and victims' families in lieu of the death penalty. It also notes that executions of juvenile offenders are not carried out until the perpetrators reach 18 years of age.

[16] See www.rrk.ir/Laws/ShowLaw.aspx?Code=2460 (in Persian).
[17] See www.amnesty.org/en/documents/mde13/3112/2016/en/.
[18] Ibid.
[19] See www.amnesty.org/en/latest/news/2016/08/iran-hanging-of-teenager-shows-brazen-disregard-for-international-law/.
[20] Ibid.

C. Right to be free from torture and other cruel, inhuman or degrading treatment or punishment

22. The Special Rapporteur continued to receive reports alleging the use of torture and other cruel, inhuman or degrading treatment or punishment during the reporting period. Such treatment includes the continued use of amputations,[21] blinding and flogging as a form of punishment, reliance on physical and mental torture or ill-treatment to coerce confessions (mostly during pretrial detention) and the denial of access to proper and necessary medical treatment for detainees. Human rights groups have documented at least one amputation[22] and several floggings during the reporting period.[23]

23. In its response, the Government rejects the notion that amputations and floggings amount to torture and maintains that they are effective deterrents to criminal activity. It also reports that 4,332 complaints alleging rights violations were submitted in the past four years, including torture and ill-treatment, and that "only a small percentage" warranted action. No specific information is provided regarding prosecutions and/or convictions of individuals alleged to be involved in the torture or ill-treatment of detainees.

24. In early 2016, a spokesperson for the judiciary in Qazvin province announced that the authorities had arrested 35 young women and men who were attending a graduation party. He reported that all those attending the event had been convicted and sentenced to 99 lashes each, because they were "half-naked while consuming alcohol and engaging in acts incompatible with chastity which disturbed the public opinion", and that the sentences were carried out promptly the same day.[24]

25. Some 17 miners in Azarbayjan-e Gharbi province were reportedly flogged for protesting against the firing of hundreds of colleagues pursuant to two court rulings in Takab sentencing the miners to between 30 and 100 lashes.[25] In its response, the Government maintains that the workers were flogged as the result of a lawsuit filed by the mining company, which accused the workers of blocking the entrance to the mine, insulting or threatening the mine's guard and resorting to violence, not because the workers had exercised their rights to association or assembly. The Government also reports that nine individuals received between 30 and 50 lashes as punishment for their crimes.

26. In May 2016, the mother of journalist Afarin Chitsaz, who was arrested and accused of colluding with foreign Governments, announced that interrogators had blindfolded and beaten her daughter to coerce a confession.[26] Security officials arrested Ms. Chitsaz, along with several colleagues, on 2 November 2015 and detained her incommunicado for more than a month. In its response, the Government notes that the courts sentenced Ms. Chitsaz to two years' imprisonment and a two-year ban on journalistic activities upon release.

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[21] Articles 217-288 of the Islamic Penal Code.
[22] See hra-news.org/fa/uncategorized/a-5594 (in Persian).
[23] See, e.g., www.isna.ir/news/95030703729 (in Persian).
[24] Ibid.
[25] See www.ilna.ir (in Persian).
[26] See www.iranhumanrights.org/2016/05/afarin-chitsaz/.

27. On 14 May 2016, Ehsan Mazandarani, a reformist journalist arrested along with Ms. Chitsaz, sent a letter to the Supreme Leader requesting an investigation into his alleged torture and mistreatment by security officials during his interrogations and pretrial detention. Mr. Mazandarani was allegedly pressured by Revolutionary Guards three days later to deny the allegations raised in the letter. He was sentenced to seven years in prison on the charges of "propaganda against the State" and "assembly and collusion against national security". An appeals court later reduced his sentence to two years.[27]

28. Human rights organizations issued several comprehensive reports during the reporting period documenting the ill-treatment of "political detainees", including denial of medical care and inadequate nutrition in an effort to intimidate or punish detainees or to coerce confessions.[28]

29. On 27 April 2016, the Special Rapporteur joined a group of other United Nations experts to issue a statement reminding the Government of the Islamic Republic of Iran of its obligations under international standards to respect prisoners' right to health and to ensure their humane treatment by allowing them adequate access to proper and necessary medical treatment. The experts highlighted the cases of a number of political activists and human rights defenders and expressed regret that the Government had until then failed to properly investigate allegations of mistreatment or to offer relief.[29] Since the publication of the statement, some of these prisoners received adequate medical attention.

30. Omid Kokabee, a young physicist who has reportedly been imprisoned in the Islamic Republic of Iran for more than five years for his refusal to work on military research, underwent surgery on 20 April 2016 to remove his right kidney, which was damaged as a result of advanced cancer. It was alleged that despite the family's repeated requests for medical furlough, Mr. Kokabee was denied an opportunity for the early detection and treatment of his cancer following complaints of serious pain, bleeding and other complications of multiple episodes of kidney stones.[30] Mr. Kokabee is serving a 10-year sentence on charges of having "relations with a hostile country" and receiving "illegitimate funds". In its response, the Government alleges that Mr. Kokabee was convicted of the "serious offences" of cooperating with the Government of the United States and spying. It notes that Mr. Kokabee has been conditionally released from prison and is currently free.

31. The family of Zeynab Jalalian, an Iranian Kurdish woman serving a life sentence in connection with her alleged membership in a Kurdish opposition group, maintains that Ms. Jalalian has been denied medical care for injuries sustained during a beating inflicted by security officials that resulted in a skull fracture and caused neurological damage, including haemorrhaging and vision impairment. Sources maintain that Ms. Jalalian urgently requires medical intervention, but that authorities have repeatedly refused to authorize her transfer to a hospital unless she confesses to her

[27] See www.iranhumanrights.org/2016/07/ehsan-mazandarani-6/.

[28] See www.iranhumanrights.org/2016/06/inside-the-women-ward-report/; and www.amnesty.org/en/documents/mde13/4196/2016/en/.

[29] See http://shaheedoniran.org/english/dr-shaheeds-work/iran-denial-of-adequate-medical-treatment-to-political-prisoners-unacceptable/.

[30] See www.iranhumanrights.org/2016/04/omid-kokabee-cancer/.

alleged crimes.[31] In its response, the Government flatly denies allegations that it is "using force to obtain [a] confession" from her.

D. Due process and fair trial rights

32. The Special Rapporteur applauded recent amendments to the Criminal Procedure Code in his report to the Human Rights Council, but noted that serious problems continued to undermine the administration of justice in the Islamic Republic of Iran. The amendments provide for immediate access to legal counsel upon arrest and during preliminary investigations,[32] and require that defendants be informed of their rights prior to the onset of an investigation. Violations of these rights, or failure to communicate them to the accused, should result in disciplinary action but will not impact the admissibility of evidence obtained under these conditions.[33]

33. Revisions to the amendments by the Guardian Council effectively exempt from these increased protections individuals accused of national security, capital, political or press crimes and those accused of offences that carry life sentences. Persons accused of crimes falling into these categories must select their counsel from an official pool of lawyers chosen by the head of the judiciary.[34] On 6 July 2015, the bar association reportedly called upon the head of judiciary, the parliament and the President to reconsider the revisions.[35] As of this writing, the judiciary had not provided an official list of approved lawyers.

34. In addition to problems with the laws themselves, the Special Rapporteur notes that many of the reports he receives regarding due process and fair trial violations involve a failure on the part of the authorities to simply implement existing laws. He continues to receive reports of individuals who are arrested without being presented with a warrant, and he has documented cases during the current reporting period where individuals and their families were not provided with adequate information regarding the circumstances of their arrest. He also continues to receive reports alleging that security officials, especially those affiliated with the Intelligence Ministry and the intelligence unit of the Revolutionary Guards, continue to arrest and detain individuals for prolonged periods without allowing contact with family members or legal counsel. The Special Rapporteur has repeatedly noted that this period of incommunicado detention renders detainees vulnerable to various forms of abuse, including torture.

35. On 7 June 2016, Evin prison authorities reportedly deprived activist Arash Sadeghi of access to a lawyer of his own choosing and forced him to begin serving his 15-year prison sentence for "assembly and collusion against national security", "propaganda against the State", "spreading lies in cyberspace" and "insulting the founder of the Islamic Republic". He was also reportedly subjected to psychological and physical torture and ill-treatment during his detention.

[31] See www.iranhumanrights.org/2016/02/zeinab-jalalian/.
[32] See www.amnesty.org/en/documents/mde13/2708/2016/en/.
[33] Article 190, note 1, of the Criminal Procedure Code (2015).
[34] Article 48, note, of the Criminal Procedure Code (2015).
[35] See http://icbar.ir/Default.aspx?tabid=55&ctl=Edit&mid=435&Code=22124 (in Persian).

36. On 11 July 2016, the judiciary announced the indictment of three dual nationals on national security-related charges.[36] Information received by the Special Rapporteur suggests that the detainees were held incommunicado for prolonged periods, denied access to a lawyer and threatened with the arrest of family members.

37. For example, Nazanin Zaghari-Ratcliffe, a project manager for the Thomson-Reuters Foundation, was reportedly detained by security agents on 3 April 2016 as she attempted to return to the United Kingdom of Great Britain and Northern Ireland with her 22-month-old daughter. On 15 June, authorities issued a statement confirming her arrest and accusing her of plotting the "soft overthrow of the Islamic Republic" through "membership in foreign companies and institutions". Ms. Zaghari-Ratcliffe is believed to have spent at least 45 days in solitary confinement and has allegedly been denied adequate access to a lawyer.[37] She was sentenced in early September to five years' imprisonment on "secret charges".[38] In its response, the Government denies the allegation that Ms. Zaghari-Ratcliffe was denied adequate access to her lawyer and affirms that her final court session was held on 5 September 2016.

38. Homa Hoodfar, a 65-year-old professor of anthropology at Concordia University in Montreal, Canada, was reportedly arrested and detained on 6 June 2016 after being summoned to Evin prison for questioning. The arrest followed a raid on Ms. Hoodfar's home by members of the intelligence unit of the Revolutionary Guards in early March, shortly before she was to leave the country. During the raid the agents confiscated Ms. Hoodfar's personal belongings, including her passports, research documents and computer. She was since released on bail and prohibited from leaving the country. Ms. Hoodfar's lawyer and family have reportedly been deprived access to her and authorities have not provided an explanation for her detention.[39] On 26 September, the Ministry of Foreign Affairs announced that Ms. Hoodfar had been released that day on humanitarian grounds.[40] In its response, the Government alleges that Ms. Hoodfar "benefits from proper health and medical facilities and is under doctor's visit three times a day", "has an appointed lawyer" and was free on bail at the time the present report was being drafted.

39. The reasons for the detention of cyber activist and Internet entrepreneur Arash Zad, who was arrested on 1 August 2015 while boarding a plane to Istanbul, Turkey, at Imam Khomeini airport in Tehran remains unknown. Mr. Zad is the Persian-language editor of the website Weblogina and director of Zigzag Lab, which provides web-based tools and services for Iranian users.[41] Mr. Zad is believed, among other things, to have been deprived of the right to a lawyer and the right to mount a proper defence.

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[36] See www.washingtonpost.com/world/national-security/iran-indicts-dual-nationals-including-a-us-businessman-but-wont-say-for-what/2016/07/11/ad6b0b96-4775-11e6-90a8-fb84201e0645_story.html.

[37] See www.tabnak.ir/fa/news/600341 (in Persian).

[38] See www.bbc.com/news/uk-37321030.

[39] See www.tasnimnews.com/fa/news/1395/03/26/1105903/ (in Persian).

[40] See www.presstv.com/Detail/2016/09/26/486498/Iran-Canada-Oman-Homa-Hoodfar-Bahram-Qassemi.

[41] See www.article19.org/resources.php/resource/38104/en/iran:-detained-internet-entrepreneur-must-be-released.

E. Rights to freedom of expression, opinion, information and the press

40. The Special Rapporteur notes that national laws and practices continue to severely restrict the rights to freedom of expression, association and peaceful assembly in the Islamic Republic of Iran. Individuals continue to provide reports detailing arbitrary detention for the legitimate exercise of these rights. Journalists, writers, social media activists and human rights defenders continued to be interrogated and arrested by government agents during the first half of 2016.

41. At least 14 journalists and 15 bloggers and social media activists were reportedly either in detention or sentenced for their peaceful activities as of July 2016, and reports suggest that many others are subjected to interrogations, surveillance and other forms of harassment and intimidation.[42]

42. Reports suggest that at least two licensed newspapers and publications have been shut down by the authorities.[43] The Special Rapporteur also expresses his concern regarding what appears to be an increase in the targeting and prosecution of artists and musicians for peacefully exercising their right to free expression.

43. The judiciary also reportedly continues to convict individuals who peacefully exercise their freedom of expression for crimes such as "propaganda against the State", "insulting" political or religious figures and harming "national security", and imposes heavy prison sentences. Judicial officials continue to rely on the Islamic Penal Code, the 1986 Press Law, the Cybercrimes Law and the newly passed Political Crimes Law to restrict content that might damage the "foundation" of the Islamic Republic, offend government officials or religious figures and undermine the Government's definition of decency, or that meets their criteria for an affront to religious and cultural values. In its response, the Government maintains that the restrictions are compatible with its international legal obligations.

44. Reports received by the Special Rapporteur indicate that since March 2016, several pre-approved concerts by well-known Persian musicians across the country have been cancelled. Some of the cancellations were supported by members of the clerical establishment, including the Friday prayer leader of Mashad. In Tehran, a concert by the national orchestra was reportedly cancelled by authorities without explanation.[44]

45. On 15 May 2016, the Revolutionary Guards cybercrime investigation unit announced that their surveillance operation, "Project Spider 2", had identified 58 fashion models, 51 fashion house owners and clothing designers, 59 photographers and makeup artists and two fashion institutes as liable for prosecution in connection with their professional activities. Some 29 criminal cases were filed and eight individuals were arrested and had their businesses shuttered under judicial orders. The authorities announced that the crackdown was part of a wider programme that targeted more than 170 fashion industry workers during the first six months of 2016. One of the models, Elham Arab, was forced to "repent" and apologize on national television.[45] On 7 June, the Revolutionary Guards branch in Fars province announced

[42] Information received by the Office of the Special Rapporteur from Reporters Without Borders.
[43] See www.iranhumanrights.org/2016/06/ghanoon-daily/.
[44] See www.iranhumanrights.org/2016/05/shahram-nazeri/.
[45] See www.iranhumanrights.org/2016/05/fashion-models-arrested/.

the arrest of an additional 12 people who were allegedly engaged in a range of activities related to modelling. The defendants were accused of "promoting corruption and cultural subjugation" and "producing and posting vulgar and immoral images of families and individuals in cyberspace".[46] In its response, the Government notes that the aforementioned individuals were "promoting universal vulgarism via propagating professional modelling with the aim of normalizing immorality" and defends its actions as being in the interest of protecting national security and public morality.

46. On 29 May 2016, the Supreme Council of Cyberspace announced new regulations that would require foreign messaging application companies to move data they possess about Iranian users onto servers located inside the country, prompting concerns regarding the security and privacy of users. The Council, whose members are selected by the Supreme Leader, Ayatollah Ali Khamenei, reportedly gave social media companies one year to comply with the new regulations. Analysts maintain that the new requirements disproportionately affect the company Telegram, whose cloud-based instant messaging service has gained popularity in the Islamic Republic of Iran and has an estimated 20 million users in the country.[47]

47. In June 2016, Mehdi Rajabian, a musician and founder of BargMusic, Yousef Emadi, a musician and co-founder of BargMusic, and Hossein Rajabian, an independent film-maker, were summoned to serve three-year prison sentences for "insulting the sacred" and "spreading propaganda against the State". All three men were arrested in 2013 and reportedly held for over two months in solitary confinement before being released on bail. They were allegedly subjected to torture and forced to confess to the charges.[48]

48. On 8 June 2016, Mohammad Reza Fathi, a blogger and journalist from the town of Saveh in the north of the Islamic Republic of Iran, was convicted of "publishing lies" and "disturbing public opinion" after three individuals who worked for local government bodies complained of his critical writings on the Internet. A lower court sentenced Mr. Fathi to 444 lashes, but execution of the sentence is pending a final ruling from a court of appeals.[49]

49. On 20 June 2016, editors at *Ghanoon* announced the closure of the newspaper pursuant to an order by the Chief Prosecutor of Tehran. The order was reportedly issued following a complaint by the Revolutionary Guards, who accused the paper of "defamation and publishing falsehoods with the intent to cause public anxiety". The suspension of the paper, often characterized as supporting President Rouhani, occurred a day after the President said he was "proud of freedom of the press" in the country. The paper's journalists have alleged that hardliners in the country are punishing the paper because they do not approve of its content.[50] In its response, the Government notes that a final judgment has not yet been issued in this case.

50. Also on 20 June 2016, the Prosecutor General of Tehran announced that security forces had arrested 17 people in connection with "immoral content" posted

[46] See www.farsnews.com' (in Persian).
[47] See www.irna.ir/fa/News/82091878/ (in Persian).
[48] See www.iranhumanrights.org/2016/06/music-distributors-summoned-to-prison-dont-forget-us/.
[49] See www.atreyas.ir/wp-content/uploads/2016/06/717.pdf (in Persian).
[50] See www.iranhumanrights.org/2016/06/ghanoon-daily2/.

on social media sites. No further information was provided regarding the circumstances of the arrests.[51] Although Facebook and Twitter continue to be blocked in the Islamic Republic of Iran, millions of Iranians, including government officials, access the social media platforms using circumvention tools. In its response, the Government asserts that "smart restrictions" impede access to sites of immorality, child abuse and terrorist groups and those that lack respect for domestic and international laws and regulations.

51. On 31 June 2016, a number of journalists, human rights activists, family members of political prisoners and publishers reported receiving threatening text messages from an unknown source stating that any "contact and cooperation with hostile elements outside the country ... constitutes criminal activity and is subject to prosecution". The short message concluded: "This message is [your] final security warning." Government officials, including those from the Intelligence Ministry, have categorically denied any responsibility for the text message. A group of the journalists have since filed a complaint with the judiciary asking authorities to investigate the matter. A spokesperson for the judiciary announced that the courts would investigate if a complaint was filed, but noted that he did not believe the text message was "threatening" since "contact with counter-revolutionary elements is a crime and a warning is justified".[52]

F. Right to freedom of association and assembly

52. Serious concern about laws and practices that restrict or violate the rights of free association and peaceful assembly in the Islamic Republic of Iran persist. Insufficient protections for these rights continue to compromise the independence of political, professional and labour groups, including trade unions. The situation of human rights defenders, including lawyers who defend political and human rights activists, remains of deeply concern. In its response, the Government notes that 126 "guilds" are active in the country and that their assemblies must be authorized.

53. The formal attorneyship bill, which envisions significant government control and influence over the activities of the semi-independent bar association, is still under consideration by the parliament.[53] Human rights defenders and lawyers continue to challenge provisions that would bring the bar association under the greater supervision of government officials.[54] President Rouhani's office reportedly introduced a new version of the bill to the parliament on 14 January 2014.[55] In its response, the Government reports that review of the draft bill is currently suspended.

54. The Special Rapporteur continues to express serious concern that as of 14 February 2016, former presidential candidates and reformists Mir Hossein Mousavi and Mehdi Karroubi, and Zahra Rahnavard will have spent five full years under house arrest in the absence of charges or a trial (A/HRC/31/69, para. 49). The

[51] See www.mehrnews.com/news/3691190/ (in Persian).

[52] See www.bbc.com/persian/iran/2016/07/160716_l39_journalists_lawsuit_sms_threat (in Persian).

[53] See http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2015-report-of-the-special-rapporteur-on-human-rights-in-iran/.

[54] See www.iranhumanrights.org/2015/07/parliamentary-threaten-legal-profession/; and www.irna.ir/fa/News/81588564/ (in Persian).

[55] See www.tasnimnews.com/fa/news/1393/07/01/507930/ (in Persian)

Special Rapporteur has repeatedly called on the authorities to immediately and unconditionally release these opposition figures from house arrest. Security and intelligence forces placed the three under house arrest in February 2011 after they protested against the results of the disputed 2009 presidential election. In its response, the Government alleges that there is "documentary evidence" linking the aforementioned individuals to "multiple crimes" related to the 2009 post-election protests and that their present situation reflects the authorities' "flexible treatment" of them and is for their own protection.

55. On 18 May 2016, the lawyer of prominent human rights defender Narges Mohammadi announced that his client had been convicted and sentenced to 10 years' imprisonment because of her membership in a group that advocates for the abolition of the death penalty. She was also sentenced to five years for "assembly and collusion against national security" and one year for "propaganda against the State". On 20 May, the Special Rapporteur issued a joint statement with several other United Nations experts expressing outrage at the sentence, and noted that the campaign targeting activists like Ms. Mohammadi "is emblematic of the heavy crackdown that human rights defenders, journalists and civil society activists continue to face in the Islamic Republic of Iran today simply for doing their jobs".[56] Ms. Mohammadi initiated a hunger strike in prison on 27 June to protest against the authorities' decision to deprive her of communication with her children, who are currently living with their father in France. She suffers from a serious neurological condition which requires constant care and supervision.[57] On 28 September, an appeals court upheld her 16-year prison sentence. In its response, the Government maintains that Ms. Mohammadi has received medical treatment and rejects allegations that she has been imprisoned because of her lawful activities as a human rights defender.

56. In a joint statement issued on 20 May 2016, the Special Rapporteur and other United Nations experts also expressed concern for the situation and health of several other human rights defenders and lawyers who are serving heavy sentences for their peaceful activities, including Abdolfattah Soltani, Bahareh Hedayat and Mohammad Sediq Kaboudvand. The Special Rapporteur recalled the Government's responsibility to ensure that human rights defenders do not face prosecution for promoting and advancing human rights in the country.[58] He also notes that in addition to detaining human rights lawyers, their continued targeting and harassment by the authorities has apparently forced some lawyers, including Nasrin Sotoudeh and Giti Pourfazel, to limit their professional activities or leave the profession altogether.[59] The Government continues to reject the notion that these individuals were imprisoned for lawful activities and notes that Ms. Hedayat has been freed and that Mr. Kaboudvand's prison term ends on 11 November 2017.

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[56] See http://shaheedoniran.org/english/dr-shaheeds-work/a-travesty-of-justice-un-experts-condemn-latest-conviction-of-prominent-rights-defender/.

[57] See www.bbc.com/persian/iran/2016/06/160627_nm_hunger_strike_narges_mohammadi (in Persian).

[58] See http://shaheedoniran.org/english/dr-shaheeds-work/a-travesty-of-justice-un-experts-condemn-latest-conviction-of-prominent-rights-defender/.

[59] See www.iranhumanrights.org/2016/07/sattar-beheshti-giti-pourfazel/.

57. On 26 May 2016, the Working Group on Arbitrary Detention issued its opinion on the case of women's rights activist and human rights defender Bahareh Hedayat, calling her detention arbitrary and demanding her immediate release. Ms. Hedayat was given a brief furlough from Evin prison on 7 June, but was returned to prison on 13 June, less than a week later. She was convicted on multiple charges and sentenced to 7 1/2 years' imprisonment by a Tehran revolutionary court in 2010. Pursuant to article 134 of the Islamic Penal Code, Ms. Hedayat should have been released in June 2015 after she had served a sentence of five years for her most serious charge, "acting against the national security". Despite an order issued for her release, the judiciary added a suspended two-year sentence for charges filed against her in 2007 and she has been detained ever since.

58. The Special Rapporteur continues to express serious concern regarding the targeting, arrest and prosecution of labour union activists. Although the Government has allowed, and continues to allow, some labour protests to proceed without interference, the Special Rapporteur has received reports during the reporting period about the arrest and prosecution of labour activists for peacefully exercising their rights to freedom of assembly and association. Those arrested include Ebrahim Maddadi, a leading member of the Tehran bus drivers' union, Esmaeil Abdi, Rasool Bodaghi and Mahmoud Beheshti Langroudi, teachers' rights activists, and Jafar Azimzadeh, Hashem Rostami and Mozafar Salehinia, independent trade union activists. In its response, the Government alleges that these activists "used [their] capacities in the field of labour [for the] consolidation of terroristic targets, persuasion of armed insurrection and subversive acts and [creation of] ethnic and religious hatred".

III. Thematic rights issues

A. Women's rights

59. The Islamic Republic of Iran fully or partially accepted 42 of the 53 recommendations related to women's rights at the outcome of its 2014 universal periodic review. Recommendations urging the Government to consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women, to reconsider provisions of the Islamic Penal Code that discriminate against women and to criminalize domestic violence, including marital rape, were rejected. In its response, the Government notes that the law allows women to place conditions on marriages that are not contrary to marriage contract requirements, and referred to the establishment of 24 "rehabilitation centres" and 31 "health centres" throughout the country for women and girls who have been subjected to domestic violence. The Government also maintains that "the issue of marital rape was not considered by many countries and cultures and mostly raised by extreme feminists".

60. Gender-based discrimination in matters of civil, political, social and economic rights continue to overshadow the remarkable advances the Islamic Republic of Iran has achieved in women's education and health. The country ranks at the bottom of countries within its income group in terms of women's economic participation and

political empowerment.[60] On 11 April 2015, the Minister of Labour, Cooperatives and Social Welfare, Ali Rabiei, noted that female unemployment in the Islamic Republic of Iran is twice as high as male unemployment and that women have migrated to seasonal and service-sector employment.[61] The country also remains in the bottom fifth percentile of 142 countries in overall equality for women.[62] In July 2016, President Rouhani announced that his administration would postpone the next round of examinations for government employment until an investigation had been conducted into the apparent gender disparity in employment.[63] In its response, the Government relates higher levels of female unemployment to various factors including unilateral economic sanctions and cultural attitudes.

61. In March 2016, the Guardian Council nullified the election of parliamentary candidate Minoo Khaleghi, who had been vetted and pronounced qualified to run for office during the February parliamentary elections. While no specific reason was given, the Guardian Council announced its decision following the release of pictures on the Internet that appear to show Ms. Khaleghi shaking hands with a man during a trip abroad.[64] Critics of the disqualification note that the Guardian Council is not vested with powers to remove elected candidates and that the power to certify the qualifications of an elected member of parliament is invested in the parliament itself.[65] In its response, the Government states that the case of Ms. Khaleghi has been referred to the inter-branch dispute settlement council and is the subject of legal proceedings.

62. On 18 April 2016, the chief of the Tehran police force, Hossein Sajedi Nia, announced a new plan for the deployment of 7,000 undercover "morality police" to enforce wearing of the hijab and "proper Islamic behaviour". President Rouhani and several members of his Government, including Shahinkokht Mowlaverdi, Vice-President for Women and Family Affairs, reportedly criticized the plan, stating that it would lead to unlawful interference in people's affairs and maintaining that police officials had not properly consulted the Government prior to announcing the plan.[66] The announcement follows the adoption of legislation by the parliament on 22 April 2015 which encourages ordinary Iranian citizens to enforce laws that prohibit acts considered to be vices under sharia, including the strict enforcement of the hijab for all Iranian women.[67] The law, titled "Plan to protect promoters of virtue and preventers of vice", calls for the establishment of an "office to promote virtue and prevent vice", supported by agencies operating under the command of the Supreme Leader. In its response, the Government defends the aforementioned actions, noting that "the veil is a moral issue [used] to maintain public security" and

[60] See http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN; and http://web.worldbank.org/archive/website01418/WEB/IMAGES/281150PA.PDF.

[61] See http://isna.ir/fa/news/94012206935/ (in Persian).

[62] See http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN.

[63] See http://president.ir/en/94497.

[64] See www.iranhumanrights.org/2016/04/minoo-khaleghi/.

[65] See www.isna.ir/news/95012711687/ (in Persian).

[66] See www.iranhumanrights.org/2016/04/public-outcry-in-iran-over-plan-for-increased-morality-police-prompts-review/.

[67] See www.shora-rc.ir/Portal/File/ShowFile.aspx?ID=b19d40ae-ef4e-44ff-b556-fcb9bfff4758 (in Persian).

that promoting virtue and preventing vice is the responsibility of all Muslims, regardless of the sex of the offenders.

63. In July 2016, the parliament ratified the Reduction of Office Hours Act for Women with Special Circumstances.[68] Opponents of the legislation, which will reduce the working hours of women from 44 to 36 hours a week without reducing their total salaries, warn that the law may unintentionally erect barriers to the workforce participation of women.[69] The law would primarily affect women heads of household, those with children under the age of 7 and women with children or spouses with disabilities or incurable and chronic diseases.[70] Attempts by the Vice-President for Women and Family Affairs to introduce into the draft language covering men in similar situations were rejected by the parliament.[71] Opponents of the bill warn that without offering tax incentives for employers, the law will threaten women's job security.[72] In its response, the Government states that "the bill was passed to facilitate women's participation in the employment space and has been welcomed by many women's rights activists".

B. Children's rights

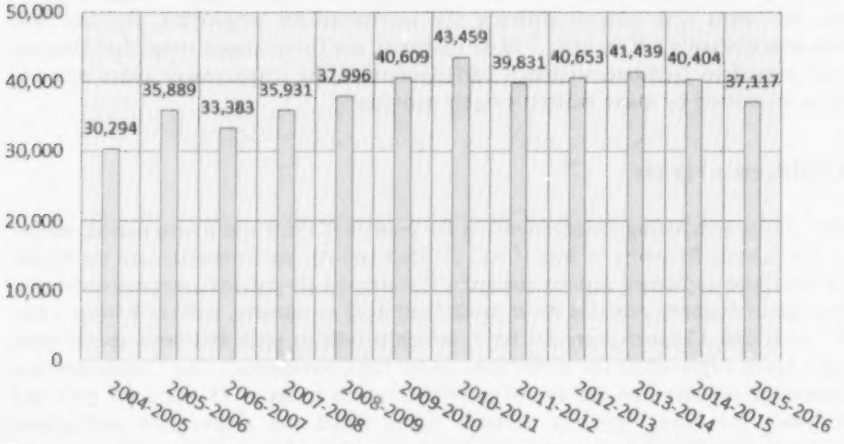
64. In its concluding observations on the combined third and fourth period reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), the Committee on the Rights of the Child expressed serious concern "that despite its previous recommendations, the age of majority remains set at predefined ages of puberty, namely 9 lunar years for girls and 15 lunar years for boys, which results in girls and boys above those ages being deprived of the protections under the Convention". The Committee also expressed concern that the age of marriage, which is set at 13 years for girls and 15 years for boys, "gravely violates rights under the Convention and places children, in particular girls, at risk of forced, early and temporary marriages, with irreversible consequences on their physical and mental health and development". It urged the Government to "further increase the minimum age for marriage for both girls and boys to 18 years, and to take all necessary measures to eliminate child marriages in line with the State party's obligations under the Convention". In its response, the Government notes that many early marriages occur "according to customs of some tribes and villages", and alleges that marriages below the legal ages identified above cannot be registered unless the guardians and a court agree that it is in the interests of the juvenile.

65. In June 2016, a spokesperson for the Tehran-based Association to Protect the Rights of Children stated that approximately 17 per cent of all marriages in the country involve children, and emphasized the consequences that this situation poses for Iranian society.[73] According to an official government website, more than 37,000 marriages involving individuals under 15 years of age took place in the

[68] See www.iranhumanrights.org/2016/07/bill-to-reduce-the-working-hours-of-women/.
[69] See www.iribnews.ir/NewsText.aspx?ID=521921 (in Persian).
[70] See http://rc.majlis.ir/fa/legal_draft/state/847722 (in Persian).
[71] See http://isna.ir/fa/news/93042413829/ (in Persian).
[72] See www.iribnews.ir/NewsText.aspx?ID=521921 (in Persian).
[73] See /www.ilna.ir/ (in Persian).

period 2015-2016 (see figure IV).[74] The Special Rapporteur notes that these figures represent only registered marriages and that many marriages are never recorded in the country, especially in areas located in the periphery. In its response, the Government argues that "generalizing a minimum marital age of 18 to all regions of the world is in contradiction with scientific viewpoints" suggesting that the age of maturity can vary across regions and individuals. It also notes that the average marriage age in the Islamic Republic of Iran is much higher than 18 years of age.

Figure IV
Number of marriages of children under 15 years of age in the Islamic Republic of Iran, 2004-2016



66. The Special Rapporteur also expresses concern regarding disturbing reports of physical, mental and sexual violence against children in schools. During the reporting period, local media outlets reported on several cases of such violence. In one incident, a video surfaced purporting to show a grade-school teacher in the city of Shush in Khuzestan province ruthlessly beating a student in the classroom.[75] Other reports documented the case of a 9-year-old girl named "Neda" who was repeatedly sexually assaulted by her teacher in Zanjan province. According to some reports, authorities released the perpetrator soon after his arrest, in part because a court questioned whether the relations involved rape or were voluntary illicit relations.[76] The perpetrator has reportedly been placed on administrative leave pending further investigations, but critics, including the Teachers' Union, have argued that more must be done to address such cases in a more systematic way.[77]

67. The Special Rapporteur expresses similar concern regarding disturbing reports about physical, mental and sexual violence, including murder, against children in

[74] See http://ir.voanews.com/a/iran-marraige/3375252.html (in Persian).
[75] See http://plus.ir/social/11208/ (in Persian).
[76] See http://sharghdaily.ir/News/92668/ (in Persian).
[77] See www.bbc.com/persian/iran/2016/05/160516_l57_iran_schools_students_pupils_corporal_punishment (in Persian).

domestic or family settings. In one such reported case, a father fatally shot his daughter, a university student, with a shotgun in the city of Khoy, in Azarbayjan-e Gharbi province, allegedly because she had brought "dishonour" to the family. According to article 220 of the Islamic Penal Code, a father or paternal grandfather who kills his child or grandchild can simply pay *diya* ("blood money") to the heirs of the victim and will not face other serious consequences for his action.

C. Rights of ethnic and religious minorities

68. In its concluding observations on the second period report of the Islamic Republic of Iran (E/C.12/IRN/CO/2), the Committee on Economic, Social, and Cultural Rights expressed concern about severe restrictions on education and publishing in mother tongue languages of ethnic minorities. The Committee attributed poverty, discrimination, early marriage among girls and a lack of mandatory primary education in areas dominated by ethnic minority populations to higher illiteracy rates in those areas. The Committee also expressed concern that ethnic minorities "do not fully enjoy their right to take part in cultural life, including as a consequence of closures of publications and newspapers in minority languages". Despite some important recent steps in this regard, particularly in Kurdish-majority areas of the country, the Special Rapporteur continues to receive reports that the right to teach and publish in local languages remains either curbed or restricted. In its response, the Government notes that the illiteracy rate is less than 10 per cent for the "teachable population". It also maintains that Kurdistan University began accepting students in the field of Kurdish language and literature in 2015, and Tabriz University will do the same for Azeri Turkish in 2016.

69. The Special Rapporteur notes that of human rights activists and defenders who work on various political, social and economic issues in areas of the country disproportionately affected by poverty and violence are often targeted by security and judicial officials not only for their activities but also for their actual or imputed ethnic identity. The Special Rapporteur continued to receive troubling reports during the reporting period, suggesting that Azerbaijani Turk,[78] Ahwazi Arab,[79] Baluch,[80] Kurdish[81] and other ethnic minority human rights defenders are being targeted by security and judiciary officials for their peaceful activities, and he implores the Government to refrain from targeting ethnic minority rights activists. In its response, the Government claims that the Special Rapporteur unfairly labels individuals engaging in "terrorist and extremist measures" as human rights defenders.

70. The Special Rapporteur also expresses concern regarding an increased number of reports during the reporting period of armed clashes between security forces of the Islamic Republic of Iran and armed individuals allegedly belonging to the peshmerga forces of the Kurdish Democratic Party of Iran. These incidents appear to have increased after announcements by the Kurdish Democratic Party leadership

[78] See www.ahraz.org/report-on-the-situation-of-iranian-azerbaijanis-regarding-human-rights-juni-2016/.

[79] See http://euahwazi.blogspot.com/.

[80] See http://balochcampaign.com/ (in Persian).

[81] See www.kmmk-ge.org/?p=569&lang=en%20target=.

that they plan to step up the activities of the peshmerga forces in support of the rights and aspirations of the country's Kurds.[82] The Government has warned that it will take all necessary measures against the armed groups and has reportedly engaged in security operations in several cities and towns in Kurdish-majority areas, including shelling areas where armed opposition groups have allegedly been active.[83] The Special Rapporteur urges both sides, and especially the Government, to refrain from engaging in the unlawful targeting, killing or collective punishment of unarmed civilians and individuals peacefully exercising their fundamental rights in these areas.

71. Reports indicate that members of religious minorities continue to face severe restrictions. Adherents of recognized religions, such as Christians (especially those of Muslim background), and of unrecognized ones, such Baha'is, continue to suffer discrimination and are reportedly prosecuted for peacefully manifesting their religious beliefs. In its response, the Government rejects allegations regarding restrictions on religious minorities, including Christians, and maintains that "house churches" are engaged in illegal activities because they do not secure the relevant permits from government officials. It also notes that the needs of the country's Christians are met and therefore there is no "need to establish or create new churches, including house churches".

72. Reports received by the Special Rapporteur suggest that at least 72 Baha'is were being detained as of 8 June 2016 in connection with the peaceful exercise of their faith.[84] In addition to reports of arbitrary arrests, detentions and prosecutions, the Special Rapporteur continues to receive troubling reports that the authorities continue to pursue activities that deprive Baha'is of their right to work, reportedly in line with a directive issued by the Supreme Council of the Cultural Revolution in 1991.[85] These policies restrict the types of businesses and jobs Baha'i citizens can have, support the closing of Baha'i-owned businesses, place pressure on business owners to dismiss Baha'i employees and call for seizure of their businesses and property. In its response, the Government notes that despite their vast cooperation with the previous regime of the Shah and their role in suppressing people and managing the SAVAK secret service, living conditions for the majority of Baha'is in the Islamic Republic of Iran are "normal". It also maintains that "Baha'is have never been prosecuted simply for their beliefs".

73. On 8 June 2016, the Special Rapporteur issued a joint statement with the Special Rapporteur on freedom of religion or belief strongly condemning a wave of Government-sanctioned incitement and hatred following the publication of several government statements and publications attacking the Baha'i faith and community. They included a statement issued by the spokesperson for the judiciary in which he derided the daughter of former President Akbar Hashemi Rafsanjani, Faezeh Hashemi, for her visit to the home of Baha'i leader Fariba Kamalabadi.[86] Ms. Hashemi visited Ms. Kamalabadi, one of seven former Baha'i leaders who were imprisoned in 2008 for exercising their faith, on 13 May following the latter's temporary release from

[82] See http://pdki.org/english/report-on-clashes-between-pdkis-peshmerga-forces-and-irans-irgc/.
[83] See www.bbc.com/persian/iran/2016/06/160625_an_iran_sepah_kurd_clashes (in Persian).
[84] See http://shaheedoniran.org/english/dr-shaheeds-work/most-recent-backlash-against-bahais/.
[85] See http://news.bahai.org/documentlibrary/TheBahaiQuestion.pdf.
[86] See http://shaheedoniran.org/english/dr-shaheeds-work/most-recent-backlash-against-bahais/.

prison. On 18 May, the spokesperson announced that the judiciary would pursue charges against Ms. Hashemi, who became acquainted with Ms. Kamalabadi during her own brief imprisonment in Evin prison in 2012, because her decision to meet the political prisoner constituted a "very ugly and obscene act".

74. Since mid-May 2016, 169 religious, judicial and political leaders have allegedly openly spoken or written against the Baha'i community in the Islamic Republic of Iran. Between 18 May and 4 June, in Friday prayer sermons clerics reportedly attacked, condemned or criticized beliefs espoused by members of the Baha'i community, declaring that the Baha'i faith was essentially a fabricated political party masquerading as a religion.[87] A number of newspapers published articles and op-eds linking members of the Baha'i community with the country's enemies and branding them "Zionists", and encouraging violence against them. The Special Rapporteur on freedom of religion or belief warned that the combination of incitement against, and lack of protection for, the Baha'is "places the community before a very dangerous precipice where its very existence may be threatened".[88] In its response, the Government notes that "the responsibility of opinions expressed by non-governmental personalities lies with themselves".

75. Sunni Muslims, who constitute the largest religious minority in the Islamic Republic of Iran, continue to assert that the authorities do not appoint or employ members of their communities in high-ranking government positions, including as Cabinet-level ministers. They have also raised concerns regarding restrictions on the construction of Sunni mosques in Shia-majority areas, including Tehran, and the execution or imminent execution of several Sunni activists who are accused by the Government of involvement in terrorist-related activities. On 5 July 2016, 18 reformist members of the parliament sent a letter to the Ministry of Interior complaining about the closure of a Sunni prayer hall in the town of Eslamshahr and that authorities prevented Sunni worshipers from gathering at several other mosques and prayer halls to perform Eid al-Fitr prayers.[89] The Government asserts that there are over 10,000 Sunni mosques in the country and that the numbers of Sunnis in Tehran "do not justify building a mosque there". It also maintains that demands to build mosques for Sunnis in the capital reflect efforts to "marginalize Sunnis" and "create division among Muslims that cause [the] isolation and extremism of Sunnis".

76. On 2 August 2016, human rights groups reported that authorities at Rajai Shahr prison had executed at least 9 and as many as 20 prisoners convicted of terrorist-related charges and sentenced to death in revolutionary courts.[90] The vast majority of those executed are believed to have been Sunni Kurds, who identified themselves as peaceful Sunni activists and rejected the accusations against them. On the same day, the Intelligence Ministry confirmed the execution of a group of prisoners alleged to have had ties to "Salafist" and "takfiri" groups responsible for armed terrorist

[87] See www.radiozamaneh.com/278692; http://khavarestan.ir/news/62023 (in Persian); and www.farsnews.com/newstext.php?nn=13950231000553 (in Persian).

[88] See http://shaheedoniran.org/english/dr-shaheeds-work/most-recent-backlash-against-bahais/.

[89] See www.bbc.com/persian/iran/2016/07/160705_l39_sunns_mosque_majlis (in Persian).

[90] See www.iranhumanrights.org/2016/08/iran-executes-kurdish-prisoner-despite-claim-of-forced-confession/.

activities against the State.[91] Among those reportedly hanged was Shahram Ahmadi, a Sunni Kurd initially imprisoned and convicted on charges of *moharebeh*, "acting against the national security" and "propaganda against the State". Mr. Ahmadi steadfastly rejected the accusations against him and declared that he was a peaceful Sunni activist. Human rights groups have documented serious procedural flaws in Mr. Ahmadi's trial as well as in the trials of several dozen other Sunni Muslim prisoners on death row, including some of those reportedly executed on 2 August 2016. Mr. Ahmadi's brother, Bahram Ahmadi, was executed along with five other activists accused of engaging in terrorism in 2012. Both Mr. Ahmadi and his mother have written open letters to the Special Rapporteur documenting the serious rights violations in the case and asking the authorities to reconsider the death sentence, and the Special Rapporteur had previously expressed his serious concerns to the Government regarding the brothers' death sentences.[92] In its response, the Government rejects any and all allegations that those executed were human rights activists, asserting that they were part of "a takfiri terrorist group" that killed 21 people and injured another 40. It also denies allegations that the defendants were denied their due process rights.

77. Other Muslims belonging to various minority sects, such as the Nematollahi Gonabadi order and Yarsan, reportedly continue to face a range of human rights violations, including attacks on their prayer centres, destruction of community cemeteries and arrest and torture of their community leaders. In June 2016, the leadership of the Yarsan faith wrote to the Supreme Leader requesting that he support a constitutional amendment that would prohibit discrimination against the faith's followers and recognize their religious beliefs.[93] In its response, the Government maintains that its "formal and practical stance ... regarding followers of these two sects is to respect their beliefs and citizenship rights".

IV. Conclusions and recommendations

78. The Special Rapporteur has highlighted, in the present and previous reports, a number of legislative steps and political developments that constitute encouraging possibilities for the situation of human rights in the Islamic Republic of Iran. They include the consideration of draft legislation and the adoption of amendments to the Islamic Penal Code, which can contribute to strengthening protections for the right to life and which can lead to a decrease in the staggering number of executions documented in the country for the last decade. They also include amendments to the Criminal Procedure Code, which can contribute to strengthening protections for due process rights.

79. However, information received by the Special Rapporteur during the current reporting period indicates that a lack of adherence by security officials and a lack of judicial enforcement enfeeble the protections envisioned by laws that would otherwise protect the rights of the accused, including fair trial guarantees and strict prohibitions on the use of torture and ill-treatment against detainees.

[91] See www.bbc.com/persian/iran/2016/08/160803_177_takfiri_arrest (in Persian).
[92] See https://hra-news.org/fa/letters/a-185; and http://hesarr.com/ (both in Persian).
[93] See www.iranhumanrights.org/2016/06/yarsan/.

It should be further noted that the new penal and criminal procedure codes do not address some of the most pressing issues raised by the United Nations human rights machinery, and that revisions by the Guardian Council to the latter leave some of the most vulnerable members of Iranian society unprotected, including journalists, lawyers, human rights defenders, political activists and religious and ethnic minorities, who are often charged with national security crimes.

80. Provisions of the penal code continue to violate the country's international human rights obligations by criminalizing the peaceful exercise of fundamental rights or other acts that are not recognized as crimes under international law. The code also continues to discriminate against girls, women and religious minorities. Moreover, those who violate national and international rights protections continue to enjoy impunity in an atmosphere that justifies serious human rights violations perpetrated by some officials of the Islamic Republic of Iran, including members of the judiciary.

81. The rate of executions reportedly taking place in the Islamic Republic of Iran remains alarming despite the legislative steps taken by the Government and a nascent dialogue aimed at examining the merits of the country's use of the death penalty. To this effect, the Special Rapporteur continues to urge the authorities to consider examining the views they have shared about the root causes of drug abuse and crime in the Islamic Republic of Iran, as well as their views about the deterrent effects of the country's drug policies. He also wishes to note that there is no "reliable evidence of the deterrent effects of executions. Nor have any empirical studies investigated the impact of capital punishment when used on a more extensive scale as an exemplary punishment in law-and-order campaigns" such as the country's war on drugs.[94] However, a cursory examination of the escalating influx of illegal narcotics and their rising abuse in the country offers some insight into the impact of the Government's approach to this phenomenon.

82. The Special Rapporteur therefore continues to appeal to the authorities to declare a moratorium on the use of executions for all crimes not considered "most serious" under international law, and calls on the authorities to consider working with international and national stakeholders to amend its anti-narcotics laws in line with international human rights conventions to which the Islamic Republic of Iran is a party. He urges the authorities to reconsider laws that render acts not considered to be crimes under international law capital offences. He appeals to the Government to abandon piecemeal reforms and to immediately and unconditionally prohibit the execution of juvenile offenders, defined as individuals under 18 years of age at the time they committed a capital offence.

83. The Special Rapporteur also remains concerned about ongoing activities that constitute a derogation from international human rights obligations to respect the freedoms of expression, association, peaceful assembly and access to information. He notes that despite the Government's assertion that "freedom of

[94] Office of the United Nations High Commissioner for Human Rights, *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*, 2014, p. 70.

opinion and expression, media activities and freedom of peaceful assembly are always protected", activities deemed a legitimate exercise of those rights, including activities focused on criticizing government actions and policies, often incur charges of endangering the national security. The Special Rapporteur urges the authorities to strengthen aspects of the 1985 Press Law to ensure that persons are protected from acts that impair the free communication of information and ideas about public and political issues between citizens, which is essential to the protection of other rights. He also urges the Government to reconsider aspects of policies that undermine the rights of individuals to associate and assemble with like-minded persons for the purposes of promoting peaceful activities.

84. The Special Rapporteur welcomes recent efforts to address both violence against women and inequities in education and economic participation. He encourages the Government to continue to amend laws in line with its legal obligations and pledges made during the universal periodic review to protect the equal and full enjoyment by women of their civil, political, social and economic rights, including the right to freedom of movement, the right to work and the right to be free from discrimination, especially in the workplace.

85. In its response to the present report, the Government maintains that the Islamic Republic of Iran works to "secure the rights of all followers of official religions according to the law". However, restrictions on the rights of religious minorities in the country remain a source of deep concern. Measures that exclude religious minorities, especially adherents of unofficial religions, from legal protections for civil, political, social or economic rights or that impose special restrictions on the practices or manifestations of their beliefs continue to violate the country's obligations under the International Covenant on Civil and Political Rights and should be addressed. Adherents of official and unofficial religious communities continue to report arrests and prosecutions for worship and participation in religious community affairs, including in private homes. The Special Rapporteur therefore urges the authorities to recognize that freedom of religion or belief entails the freedom to choose a religion or belief and that measures that impose special restrictions on the practice of other faiths, or that discriminate on the basis of religion or belief, violate the guarantee of equal protection under article 26 of the International Covenant.

86. The Special Rapporteur continues to be disturbed by reports from members of ethnic minority communities regarding arbitrary arrests, detentions, torture and prosecution for protected activities that promote social, economic, cultural and linguistic rights. He urges the authorities to recognize that dialogue and the inclusive participation of all citizens in a diverse society can form the basis for enduring initiatives that address poverty and development and can also serve to strengthen protections for the rights of all ethnic minorities in the country. He encourages the authorities to ensure that the rights of the members of the country's most vulnerable communities are protected and respected.

87. The Special Rapporteur reiterates his firm belief that the Government could significantly improve the country's human rights situation with the full implementation of the recommendations accepted at the outcome of the universal periodic review in 2014. He therefore renews his requests for further

dialogue and for a visit to the country to both discuss the Government's plan for implementing these recommendations and explore constructive ways in which the mandate holder and other special procedure representatives can support the country's implementation efforts. After almost six years of work to monitor the country situation and to establish a constructive relationship with the Government, the Special Rapporteur believes that the human rights situation in the Islamic Republic of Iran merits a measure of confidence, which must be strengthened by tangible efforts and outcomes that lay the groundwork for perceptible progress.